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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,021	08/21/2003	John B. Gorun	GRTEX 123	1533
2555	7590	03/10/2005	EXAMINER	
KREMBLAS, FOSTER, PHILLIPS & POLLOCK 7632 SLATE RIDGE BOULEVARD REYNOLDSBURG, OH 43068			BLAKE, CAROLYN T	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/647,021	<b>Applicant(s)</b> GORUN ET AL.	
	<b>Examiner</b> Carolyn T Blake	<b>Art Unit</b> 3724	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-31 is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 9, 11-16, 18, 19 and 21-24 is/are rejected.
- 7) ☒ Claim(s) 7, 10, 17 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because the crowdedness of the drawings makes them difficult to comprehend. An isometric or perspective view that clearly shows the relationship of the band saw and cleaning apparatus is required.
2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities:

Art Unit: 3724

- Page 2, lines 21: "During the slicing of food products water is conventionally sprayed" should be changed to - -During the slicing of food products, water is conventionally sprayed- -.
- Page 3, line 13: A period should be added to the end of the sentence.
- Page 5, line 19: "the word connected" should be changed to - -the word "connected"- -.

Appropriate corrections are required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6, 8, 9, 11-16, 18, 19, and 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Gaines (1,870,774).

Regarding claim 1, Gaines discloses a cleaning apparatus mounted to a food slicing machine having a frame and a continuous loop blade (14) drivably mounted to the frame, the blade (14) having opposing first and second major surfaces and an axis, the cleaning apparatus comprising:

- (a) a body (29/48) mounted to the frame;
- (b) a first scraper (24) mounted to the body (29/48) and having an edge seated against the first surface of the blade (14) for scraping matter from the blade (14);

Art Unit: 3724

(c) a second scraper (24) having a first end that is removably mounted to the body (29/48) at a point positioned laterally of the blade's axis, the second scraper also having an edge at a second end seated against the second surface of the blade (14) for scraping matter from the blade (14);

(d) a conduit (unnumbered; connected to screen bag 49) mounted to the body (29/48) at an aperture in the body (29/48) that forms an inlet positioned adjacent at least one of said scrapers (24), said conduit having a passageway extending from the inlet to fluid communication with a pump (26) for pumping air past the scrapers (24) and into said inlet and drawing matter scraped from the blade (14) by the scrapers (24) into the inlet.

Regarding claim 2, Gaines discloses a deflecting panel (29a) mounted to the body (29/48) adjacent the inlet and extending at least partially around the scrapers (24) for deflecting matter scraped from the blade (14) into the inlet.

Regarding claim 3, Gaines discloses a gap is formed between the deflector (29a) and the scrapers (24).

Regarding claim 4, Gaines discloses a longitudinal axis of the second scraper (24) is transverse to the blade's axis.

Regarding claim 5, Gaines discloses the body (29/48) has a channel (unnumbered) through which a portion of the blade (14) extends, and the inlet opens into the channel. See FIG 7.

Regarding claim 6, Gaines discloses the second scraper's edge seated against the blade (14) is angled less than ninety degrees to the axis of the blade (14). See FIG 7.

Regarding claim 8, Gaines discloses the first scraper (24) is substantially planar, and the plane containing the first scraper (24) is transverse to a plane containing the portion of the blade (14) that is in the channel.

Regarding claim 9, Gaines discloses the second scraper (24) has at least one substantially planar region adjacent the edge of the second end, and the plane containing that substantially planar section is transverse to the plane containing the portion of the blade (14) that is in the channel.

Regarding claim 11, Gaines discloses the first and second scrapers are biased against the blade (14). (Inherent, or else the device would not work as a cleaner.)

Regarding claim 12, Gaines discloses a longitudinal axis of the second scraper (24) is transverse the blade's axis.

Regarding claim 13, Gaines discloses a deflecting panel (29a) mounted to the body (29/48) adjacent the inlet and extending at least partially around the scrapers (24) for deflecting matter scraped from the blade (14) into the inlet.

Regarding claim 14, Gaines discloses a gap formed between the deflector (29a) and the scrapers (24).

Regarding claim 15, Gaines discloses the body (29/48) has a channel through which a portion of the blade (14) extends, and the inlet opens into that channel.

Regarding claim 16, Gaines discloses the second scraper's edge seated against the blade (14) is angled less than 90 degrees relative to the axis of the blade (14).

Regarding claim 18, Gaines discloses the first scraper (24) is substantially planar, and the plane containing the first scraper (24) is transverse to a plane containing the portion of the blade (14) that is in the channel.

Regarding claim 19, Gaines discloses the second scraper (24) has at least one substantially planar region adjacent the edge at the second end, and the plane containing that substantially planar section is transverse to the plane containing the portion of the blade (14) that is in the channel.

Regarding claim 21, Gaines discloses the first and second scrapers are biased against the blade (14). (Inherent, or else the device would not work as a cleaner.)

Regarding claim 22, Gaines discloses the body (29/48) has a channel through which a portion of the blade (14) extends, and the inlet opens into the channel.

Regarding claim 23, Gaines discloses the second scraper's edge seated against the blade (14) is angle less than 90 degrees relative to the axis of the blade (14).

Regarding claim 24, Gaines discloses a fastener (unnumbered, see FIG 7) extending through an aperture in the first end of the second scraper and into the body (29/48) at a point positioned laterally of the blade's axis.

***Allowable Subject Matter***

6. Claims 25-31 are allowed. The claims are allowable because prior art fails to teach a scraper with an end mounted in a body channel as set forth in claim 25.

Regarding claim 25, Gaines discloses a cleaning apparatus mounted to a food slicing machine having a frame and a continuous loop blade (14) drivably mounted to the frame, the blade (14) having opposing first and second major surfaces and an axis, the cleaning apparatus comprising:

(a) a body (29/48) mounted to the frame, the body (29/48) having a channel through which a portion of the blade (14) extends;

(b) a first scraper (24) having a first end mounted to the body (29/48) for scraping matter from the blade (14);

(c) a second scraper (24) having a first end that is removably mounted to the body (29/48) by a fastener extending through an aperture in the first end of the second scraper (24) and into the body at a point positioned laterally of the blade's axis, the second scraper terminating in an edge at a second, opposite end seated against the second surface of the blade for scraping matter from the blade (14);

(d) a conduit mounted to the body (29/48) at an aperture in the body (29/48) that forms an inlet opening into the channel and adjacent at least one of said scrapers (24), said conduit having a passageway extending from the inlet to a pump (26) for pumping air past the scrapers (24) and into said inlet and drawing matter scraped from the blade (14) by the scrapers (24) into the inlet; and



Art Unit: 3724

(e) deflecting panel (29a) mounted to the body (29/48) adjacent the inlet and extending at least partially around the scrapers (24) for deflecting matter scraped from the blade (14) into the inlet, wherein a gap is formed between the deflect (20a) and the scrapers (24). Gaines fails to disclose a scraper having a first end mounted to the body in the channel and a second end extending in the manner of a cantilever away from the first end and terminating in an edge seated against the first surface of the blade as set forth in claim 25.

This reference by itself or in combination with the other prior art cited fails to teach the claimed invention set forth in claim 25.

7. Claims 7, 10, 17, 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McKenzie (659,088), Blean (1,908,727), Oliver (1,861,412), Braun (2,741,281), Crane (3,669,163), Johnson et al (4,312,253), Voorhees et al (4,318,3223), Pila (4,372,185), Moshier et al (5,031,497), and Camarena et al (5,235,885) disclose cleaning apparatuses for slicing machines with continuous loop blades.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T Blake whose telephone number is (571) 272-

Art Unit: 3724

4503. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30 PM, alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CB

March 4, 2005



Allan N. Shoap  
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